



IAP6 Rec'd PCT/PTO 09 JUN 2006

Docket No. 21864USWO/1 (C038435/0196794)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)
Alan BERRY *et al.*)
Serial No.: 10/567,763) Examiner: Not yet assigned
Filed: February 10, 2006) Art Unit: Not yet assigned
For: **MICROBIAL PRODUCTION OF**)
L-ASCORBIC ACID)

New York, New York
June 6, 2006

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. § 371 AND PETITION FOR EXTENSION OF TIME**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:


This is in response to the Notification of Missing Requirements Under 35 U.S.C. § 371 ("the Notification") mailed March 22, 2006, which set a two-month shortened statutory period for reply in the above-identified application. Applicants submit herewith the following:

1. A copy of the Notification (Exhibit A);
2. an executed Declaration and Power of Attorney in compliance with Rule 37 CFR §1.497(a) and (b) (Exhibit B); and
3. a check in the amount of \$130.00 to cover the fee.

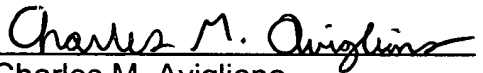
A one-month extension of time to respond to the Notification is hereby requested. With this extension, the due date for reply to the Notification will be June 22, 2006. 37 CFR § 1.136(a). Enclosed is a check in the amount of \$120.00 to cover the extension of time fee.

If our checks are missing or otherwise insufficient, or if any additional fees are required, the Commissioner is authorized to charge (or credit any overpayment) to Deposit Account No. 02-4467. A duplicate copy of this communication is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 6, 2006.


Charles M. Avigiliano, Reg. No. 52,578

Respectfully submitted,

By: 
Charles M. Avigiliano
Registration No. 52,578
BRYAN CAVE LLP
1290 Avenue of the Americas
New York, NY 10104-3300
Phone: (212) 541-2000
Fax: (212) 541-4630

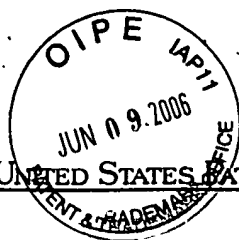
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01 FC:1617 130.00 OP

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02 FC:1251 120.00 OP

PCT#



UNITED STATES PATENT AND TRADEMARK OFFICE

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| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
|-----------------------------|-----------------------|-------------------------------|
| 10/567,763 | Alan Berry | 21864USWO/1 (C038435/0196) |

INTERNATIONAL APPLICATION NO.

PCT/CH04/00511

I.A. FILING DATE

08/16/2004

PRIORITY DATE

08/14/2003

Stephen M. Haracz
Bryan Cave
1290 Avenue Of The Americas
New York, NY 10104

CONFIRMATION NO. 3881

371 FORMALITIES LETTER



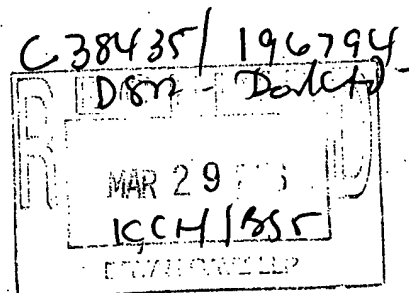
OC000000018321951

Date Mailed: 03/22/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/10/2006
- Copy of the International Search Report filed on 02/10/2006
- Copy of IPE Report filed on 02/10/2006
- Information Disclosure Statements filed on 02/10/2006
- Biochemical Sequence Diskette filed on 02/10/2006
- Biochemical Sequence Listing filed on 02/10/2006
- U.S. Basic National Fees filed on 02/10/2006



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHARITTA A BURT

Telephone: (703) 308-9140 EXT 207

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------------------|
| 10/567,763 | PCT/CH04/00511 | 21864USWO/1 (C038435/0196 |

FORM PCT/DO/EO/905 (371 Formalities Notice)